

Board Meeting  
September 20-21, 2005

Agenda Item 23-----  
Attachment 2

**STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

|                   |   |                           |
|-------------------|---|---------------------------|
| In the Matter of: | ) | Tracking No: IWMA BR03-01 |
|                   | ) |                           |
|                   | ) |                           |
| City of McFarland | ) | <b>COMPLIANCE ORDER</b>   |
| County of Kern    | ) |                           |
|                   | ) |                           |
|                   | ) | Public Resources Code     |
| Jurisdiction      | ) | Section 41825             |

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**INTRODUCTION**

- 1.1 **Parties:** The California Integrated Waste Management Board (Board) issues this Compliance Order (Order) to the City of McFarland (City), County of Kern.
  
- 1.2 **Authority:** Section 41825 of the Public Resources Code (PRC) requires the Board to review implementation of each Jurisdiction's Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE), at least once every two years; this Biennial Review is the Board's independent evaluation of a Jurisdiction's progress in implementing the SRRE and HHWE selected programs and reaching the diversion requirements of PRC Section 41780. If a Jurisdiction is not meeting the mandates of the Integrated Waste Management Act (IWMA), the Board may issue a compliance order and schedule (PRC Section 41825). Fines of up to \$10,000 per day may be levied if the provisions of the compliance order and schedule are not met (PRC Section 41850).
  
- 1.3 Sections 41033 and 41333 of the PRC, respectively, provide that any waste characterization component prepared by a Jurisdiction pursuant to Sections 41030 or 41330, and any other information submitted by a Jurisdiction to the Board on the quantities of solid waste

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plans, schedules, or any other documents submitted by the Jurisdiction shall be considered to be Board approvals.

- 3.5 Board Review and Approval: If the Board determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with the Order or fails to achieve successful implementation of the SRRE, the Board or its designee may:
- a. Serve a notice that the Board will hold a public hearing to consider the imposition of penalties in accordance with PRC Section 41850, or
  - b. Order the Jurisdiction to change the document (if there are major changes) as deemed necessary and approve the document as changed, or
  - c. Return the document to the Jurisdiction with recommended changes (if there are minor changes) and a date by which the Jurisdiction must submit to the Board the document incorporating the recommended changes.
- 3.6 Compliance with Applicable Laws: The Jurisdiction shall carry out this Order in compliance with all Local, State, and Federal requirements, including but not limited to requirements to obtain necessary permits.
- 3.7 Liability: Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of the Jurisdiction.
- 3.8 Government Liabilities: The State of California and the Board shall not be liable for injuries or damages to persons or property resulting from acts or omissions in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by the Jurisdiction or its agents in carrying out activities pursuant to the Order.

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The Jurisdiction shall indemnify, defend and save harmless the State, its officers, agents, and employees from any and all claims and losses accruing or resulting in connection with the performance of this Order.

- 3.9 Extension Request: If the Jurisdiction is unable to perform any activity or submit any document within the time required under this Order, the Jurisdiction may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.
- 3.10 Extension Approvals: If the Board or its designee determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.
- 3.11 Parties Bound: This Order shall apply to and be binding upon the Jurisdiction and upon the Board and any successor agency (regional agency etc.) that may have responsibility for, and the Jurisdiction over, the subject matter of this Order.

#### EFFECTIVE DATE

- 4.1. This Order is final and effective from the date of issuance.

Date of Issuance January 14, 2003

*Linda Moulton-Patterson*

Linda Moulton-Patterson, Chair  
California Integrated Waste Management Board